



**DEPARTMENT OF THE ARMY**  
NORTHWESTERN DIVISION, CORPS OF ENGINEERS  
P.O. BOX 2870  
PORTLAND, OREGON 97208-2870

Reply to  
Attention of:

JUL 30 2003

**Planning and Policy Division**

Dr. Ralph Morgenweck  
Regional Director, Mountain-Prairie Region  
U.S. Fish and Wildlife Service  
P.O. Box 25486  
Denver Federal Center  
Denver, Colorado 80225-0486

Ms. Robyn Thorson  
Regional Director, Great Lakes-Big Rivers Region  
U.S. Fish and Wildlife Service  
Bishop Henry Whipple Federal Building  
1 Federal Drive, Room 630  
Fort Snelling, Minnesota 55111-4056

*Ralph*  
Dear Dr. Morgenweck and Ms. Thorson:

In accordance with the Endangered Species Act consultation discussions between our respective agencies on July 17, 2003, I am submitting our Biological Assessment (BA) on the Missouri River Mainstem Reservoir System, the Lower Missouri River, and the Kansas River, to the U.S. Fish and Wildlife Service (USFWS). This BA provides the information required pursuant to 50 CFR §402.14, documents and incorporates new and additional information not previously provided by the U.S. Army Corps of Engineers (Corps), and describes all of the current and proposed actions of the Corps to comply with the Endangered Species Act (ESA). Using this information, the Corps requests the reinitiation of formal consultation pursuant to Section 7 of the ESA.

ESA consultation between the Corps and the USFWS has been ongoing for several years. In November of 2000, the USFWS issued a Biological Opinion (BiOp) concluding that the Corps' proposed action on current operations jeopardized the continued existence of three species protected under the ESA: the interior least tern, the piping plover, and the pallid sturgeon. Accordingly, the USFWS recommended a reasonable and prudent alternative (RPA) that was intended to establish the restoration of the form and function of the Missouri River to avoid jeopardizing listed species and adversely modifying the critical habitat.

Since the issuance of the November 2000 BiOp and subsequent consultation activities, additional information has become available that supports preparation of this BA and the request for reinitiation of consultation. These include: (1) the National Academy of Sciences' National Research Council's endorsement of the USFWS

objective of restoring “natural river processes,” and the recommendation of an adaptive management strategy for the recovery of the Missouri River ecosystem; (2) the USFWS September 2002 designation of critical habitat for the northern Great Plains population of the piping plover; (3) the lessons learned from operations in 2002 and 2003 on the effects of summer flows on terns and plovers, and on the Congressionally authorized project purposes of the Missouri River Mainstem Reservoir System; (4) the effects of the 2000 RPA on shallow water habitat, tern and plover habitat, spawning cues, connectivity to low-lying lands, and other environmental and economic factors; and, (5) the Corps’ assessment that the Gavins Point Dam release element of the RPA in the 2000 BiOp did not achieve the intended attributes.

The Corps’ proposed action in this BA encompasses the following:

- System operations;
- Habitat creation, enhancement, and maintenance;
- Pallid sturgeon propagation support;
- Population assessments for pallid sturgeon, piping plover and least tern; Bald Eagle and cottonwood forest assessment;
- Research, monitoring, and evaluation;
- Kansas River operations;  
Operation and Maintenance of the Bank Stabilization and Navigation Project; and
- Missouri River Recovery Implementation Committee.

This proposed action is intended to be consistent with all applicable federal and state laws, Native American trust responsibilities, interstate compacts and decrees.

In summary, there is significant new information that the Corps has obtained since the issuance of the 2000 BiOp. The proposed action in this BA is the result of careful consideration and evaluation of this new information. Further, as you are aware, there are components of the 2000 RPA that the Corps believes are not reasonable and prudent; however, we are proposing a new approach that will achieve the biological attributes of the 2000 BiOp. Our proposed action (PA) includes the concept of adaptive management, and within that framework we are proposing the formation of a Missouri River Recovery Implementation Committee (MRRIC). The MRRIC would include a range of stakeholders from a variety of disciplines with diverse interests, expertise, talents, and perspectives that would come together to assist the Corps, the USFWS, and other interested and involved agencies in implementing actions to benefit threatened and endangered species and to ensure that public values are incorporated into recovery implementation. An adaptive management process coordinated with a MRRIC would also allow for changes in operation of the System to be appropriately considered in the

context of the overall strategy for the survival and recovery of the species and their critical habitat.

I look forward to engaging in formal consultation with your agency and the timely completion of the consultation process in our agencies' joint efforts to benefit the listed species. The Corps' designated co-leads for this consultation are Karen Durham-Aguilera at (503) 808-3730, Larry Cieslik at (402) 697-2675, and David Ponganis at (503) 808-3828.

*Rec'd,  
I look forward  
to informal consult  
Bue*



William T. Grisoli  
Brigadier General, U.S. Army  
Division Engineer